

Message Text

SECRET

PAGE 01 MOSCOW 12011 291457Z
ACTION NODS-00

INFO OCT-01 ISO-00 /001 W
-----009746 291502Z /50
O 291255Z MAY 78
FM AMEMBASSY MOSCOW
TO SECSTATE WASHDC IMMEDIATE 2304

S E C R E T MOSCOW 12011

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E.O. 11652: XGDS-1 & 2
TAGS: ASEC, PEPER, UR, US
SUBJECT: TECHNICAL PENETRATION: PROTEST

REF: STATE 136013, MOSCOW 11987

1. IN HIS MEETING WITH SHULMAN TODAY, WE ASSUME THAT
BESSMERTNYKH WILL BE INSTRUCTED TO MAKE SAME PITCH THAT
FIRYUBIN MADE TO US YESTERDAY. FOLLOWING MAY BE USEFUL
IN COUNTERING THESE ASSERTIONS:

A. THE STATEMENT THAT "STAFF MEMBERS OF THE U.S.
EMBASSY DESTROYED THE WALL OF A SMOKE VENTILATION PIPE
OF THE HEATING SYSTEM OF BUILDING NUMBER 4, B.
DEVYATINSKIY PEREULOK" IS PATENTLY FALSE. THE CHIMNEY
IN QUESTION IS AN INTEGRAL PART OF BUILDING NUMBER 19,
ULITSA CHAIKOVSKOGO, WHICH IS PART OF THE U.S. EMBASSY.
THIS IS SHOWN CLEARLY AND EXPLICITLY ON THE EMBASSY SITE
PLAN RECEIVED FROM UPDK, CERTIFIED BY SIGNATURES OF
THREE SOVIET OFFICIALS, AND DATED MARCH 17, 1953. IT IS
ALSO SHOWN ON NUMEROUS SOVIET RPT SOVIET FLOOR PLANS
OF THE EMBASSY COMPLEX. IT SHOULD BE NOTED IN THIS
CONNECTION THAT THE CHIMNEY IS SURROUNDED ON THREE SIDES
BY OTHER PARTS OF THE EMBASSY'S SOUTH WING, AND HAS NO
RPT NO COMMON WALL WITH THE BUILDING AT 4. B.

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DEVYATINSKIY PEREULOK. IT IS THUS CLEAR FROM SITE PLANS,
FLOOR PLANS, AND INDEED THE EXTERNAL APPEARANCE OF THE
BUILDING THAT THE CHIMNEY IN QUESTION IS NOT, AND INDEED
HAS NEVER BEEN, A PART OF THE BUILDING AT 4 B.
DEVYATINSKIY PEREULOK.

B. IT FOLLOWS FROM THE ABOVE, THAT THE MINISTRY'S

ASSERTIONS THAT THE EMBASSY HAS UNDERTAKEN "ILLEGAL WORK" HAS NO BASIS IN FACT. INDEED, WE HAVE MADE NO STRUCTURAL ALTERATIONS ON LEASED PROPERTY, BUT HAVE MERELY EXERCISED OUR RIGHT, FULLY GUARANTEED BY INTERNATIONAL LAW, TO PROTECT THE PHYSICAL INTEGRITY OF OUR EMBASSY.

2. THE TUNNEL WE HAVE DISCOVERED PASSES THROUGH OUR PROPERTY FOR AT LEAST 20 FEET. (FYI WE ARE UNABLE TO MAKE A PRECISE MEASUREMENT, BUT 20 FEET IS A VERY CONSERVATIVE MEASUREMENT; WE CONSTRUCTED OUR BARRIER WALL AT A POINT 17 FEET DOWN THE TUNNEL, TO MAKE SURE WE WERE WELL WITHIN THE PROPERTY LINE, BUT BELIEVE OUR PROPERTY LINE ACTUALLY PASSES ABOUT EIGHT FEET BEYOND OUR BARRIER, FOR A TOTAL OF 25 FEET.) THEREFORE, EVEN IF THE SOVIET ASSERTION THAT THE CHIMNEY IS NOT U.S. PROPERTY WERE TRUE, THEY WILL WOULD BE GUILTY OF A SERIOUS AND CALCULATED VIOLATION OF THE U.S. EMBASSY.

3. IN EVENT CHARGE SHOULD BE CALLED IN BY MFA AGAIN, WOULD APPRECIATE CONTINGENT AUTHORITY TO REJECT OFFICIALLY SOVIET CLAIMS OF JURISDICTION OVER SOUTH WING CHIMNEY, USING ARGUMENTS IN PARA ONE ABOVE AND SUPPORTING SOVIET SITE PLANS AND FLOOR PLANS. MATLOCK

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PROPERTY PROTECTION, AGREEMENTS, MONITORING, MEETING REPORTS, MEETINGS, DIPLOMATIC PROTESTS, DIPLOMATIC MISSIONS, CAT-B
Control Number: n/a
Copy: SINGLE
Draft Date: 29 may 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978MOSCOW12011
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: DC ALSO X1
Executive Order: X2
Errors: N/A
Expiration:
Film Number: P890106-1026
Format: TEL
From: MOSCOW
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780510/aaaaiaiu.tel
Line Count: 85
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: fc204693-c288-dd11-92da-001cc4696bcc
Office: ACTION NODS
Original Classification: SECRET
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: NODIS
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: SECRET
Previous Handling Restrictions: NODIS
Reference: 78 STATE 136013, 78 MOSCOW 11987
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 27 jun 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2507210
Secure: OPEN
Status: NATIVE
Subject: TECHNICAL PENETRATION: PROTEST
TAGS: ASEC, PEPR, PINS, UR, US
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/fc204693-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014